

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

\* \* \*

UNITED STATES OF AMERICA,

Plaintiff,

v.

ERIC LAMONT WILLOUGHBY,

Defendant.

2:09-cr-00185-PMP-LRL

**O R D E R**

Before the court is defendant Eric Lamont Willoughby's Motion For Return of Property (#258, filed April 25, 2011) , in which Willoughby prays for an order directing the government to return his property. The government filed an Opposition to Defendant's Motion for Return of Property (#259).

Specifically, the defendant is requesting return of his Sidekick Cellular Phone, Food Stamp Card and Air Jordan tennis shoes. He further alleges that these items are no longer needed as evidence since he has pled guilty and is presently serving his sentence.

In its opposition the government notes that the defendant's appeal is pending before the Ninth Circuit Court of Appeals. The government seeks the court's permission to retain the defendant's personal items until the defendant exhausts his appellate rights. The government represents that after the defendant's judgment becomes final and all litigation arising from his conviction ends, it will return the defendant's property to him in a timely manner.

Accordingly,

IT IS HEREBY ORDERED that defendant's Motion for Return of Property (#258) is hereby denied.

...

...

1 IT IS FURTHER ORDERED that the government shall return defendant's property as soon as  
2 all litigation arising from defendant's conviction ends.

3 DATED this 11th day of July, 2011.

4 

5 \_\_\_\_\_  
6 **LAWRENCE R. LEAVITT**  
7 **UNITED STATES MAGISTRATE JUDGE**  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26